

STATE OF HAWAII
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Honolulu, Hawaii

Board of Land and Natural Resources
Department of Land and Natural Resource
State of Hawai'i
Honolulu, Hawai'i

FILE NO.: CDUA OA-3574
REF: OCCL: MC
Acceptance Date: November 18, 2010
180 Exp. Date: May 17, 2011

April 8, 2011

REGARDING: State Civil Defense Warning and Communications Device Installation

APPLICANT: State of Hawai'i Department of Accounting and General Resources, 1151 Punchbowl Street, Honolulu HI 96813

AGENT: Wilson Okamoto Corporation, 1907 S. Beretania Street Suite 400, Honolulu HI 96826

LANDOWNER: State of Hawai'i; Executive Order No. 1402 turned over the land to City and County of Honolulu for use as a beach park.

LOCATION: Kea'au Beach Park, 'Ōhikilolo/Kea'au, Wai'anae, O'ahu

TMK: (1) 8-3-001:001

AREA OF USE: 72 square feet

SUBZONE: Limited

DESCRIPTION OF AREA

Kea'au Beach Park is a tree-lined park located on the makai side of Farrington Highway in the Wai'anae District. The shoreline is rocky in this area, with an offshore reef shelf that is well reviewed by advance scuba divers. A short coastal walk in the area leads from a rocky shoreline with numerous tide pools in the south to Kalaeopa'akai, a black lava point, in the north. Kea'au is one of the fourteen City and County beach parks on O'ahu that permit camping.

Like many Leeward coastal sites, recreational use of the park has been limited in recent decades due to the presence of large, sprawling homeless camps. The County Parks and

Recreation Department initiated a beach closure and conducted a clean-up in early March 2011. 200 persons were evicted, and 16 tons of trash were collected.

There are no known archaeological sites in the immediate project area. The closest sites identified in surveys were a habitation 400 meters to the south and Laukīnui heiau 700 meters to the north.

There are no known rare or endangered species on the project site. The area has been previously cleared and planted with non-native coastal grasses.

Exhibits 1 and 2 show the project location.

PROPOSED USE

The Civil Defense warning siren is the basic initial method used alert the public of an impending emergency condition, such as an approaching hurricane or tsunami. It will be tested on the first working day of the month at 11:45 a.m. The siren will emit a steady tone with a loudness of 115 to 124 decibels at 100 feet.

The proposed siren is needed at this location to provide an emergency signal to alert the public of impending emergency conditions. The nearest existing siren is located 0.75 miles to the south and does not provide a signal that can be heard in the area covered by the proposed location.

The proposed project includes installation and maintenance of a single 24-inch diameter timber pole with siren controller box, battery cabinet, radio antenna, grounding rod, two (2) directional Civil Defense warning sirens, and solar powered array with a 4-foot diameter concrete foundation. The pole and siren will be a maximum height of 50 feet.

The siren pole will be made of wood or a brown-colored composite material. The siren devices will be light green. It will be located 200 feet from the shoreline, at approximately 23 feet above mean sea level.

No adverse impacts to endangered flora or fauna are expected by this project. Previous archaeological sites have been identified in the vicinity of the project site; therefore, although not superficially visible, archaeological cultural deposits and associated subsurface features could exist within the project area. As such, onsite archaeological monitoring will be conducted during construction.

Exhibit 3 shows the site plan, and **Exhibit 4** shows the pole and siren array.

SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred the application to the following agencies and offices for review and comment: O'ahu Board Member; DLNR – Land

Division, Historic Preservation, DOCARE, and Engineering; Office of Hawaiian Affairs; State Department of Health; State Civil Defense; Honolulu Planning Department; State Civil Defense; County Department of Emergency Management; Honolulu Police; Honolulu Fire Department; and Office of Parks and Recreation.

A notice of the application was placed in the December 8, 2010 edition of the Office of Environmental Quality Control's *Environmental Notice*. In addition, copies of the application were available for review at the Wai`anae Public Library.

Hawai'i Civil Defense gave a presentation on the siren to the Wai`anae Neighborhood Board no. 24, who voted unanimously to support the project.

The following comments were received:

DLNR Historic Preservation Department (HPD)

If the condition for archaeological monitoring is met, HPD concludes that no historic properties will be adversely affected.

Honolulu Fire Department

The Department has no objections to the proposal.

Department of Health (DOH)

DOH provided information on National Pollutant Discharge Elimination System (NPDES) permits.

Applicant's Response

The project will comply with HAR §11-54 and its anti-degradation policy. The project's area is less than one acre, so a NPDES permit will not be required. The siren pole will require an excavation of from seven to eleven feet, but no construction dewatering is anticipated. Otherwise, best management practices will be followed.

Honolulu Police Department

The project should have no significant impacts on the facilities or operations of the police department.

County Parks and Recreation

No comments.

DLNR – Land Division

DAGS will be required to submit a written consent to the office for a land disposition from the Land Board for warning siren purposes.

Applicant's Response

DAGS has indicated that they will prepare a written land disposition request for the easement of the warning siren.

County Department of Emergency Management

The Department supports this project as it provides coverage to a vital area to currently covered by existing sirens.

ANALYSIS

Following review and acceptance for processing, the applicant was notified, by letter dated November 18, 2010 that:

1. The proposed use is an identified use within the Conservation District according to the Hawai'i Administrative Rules (HAR), § 13-5-22, P-6, PUBLIC PURPOSE USE, (D-1), *land uses undertaken by the State of Hawai'i or the counties to fulfill a mandated government function, activity, or service for public benefit and in accordance with public policy and the purpose of the conservation district. Such land uses may include transportation services, water systems, communications systems and recreation facilities. The applicant was advised that this finding did not constitute approval of the proposal.*
2. Pursuant to HAR §13-5-40(4), HEARINGS, a public hearing was not required.
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and HAR §11-200-8 EXEMPT CLASSES OF ACTION (A) (3), *Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small equipment and facilities and the alteration and modification of same, including, but not limited (d) to water, sewage, electrical, gas, telephone, and other essential public utility service extensions to serve such structures or facilities...*; the proposed use was exempt.
4. Pursuant to Chapter 205A-22(16), HRS, the proposed project was exempt from needing a Special Management Area permit.

SECTION 13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, Hawaii Administrative Rules (HAR).

1. *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Staff is of the opinion that the proposed action will not impact the natural resources of the park, and that it will positively promote public health, safety, and welfare.

2. *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited subzone is to limit uses where natural conditions suggest limits on human activities.

Staff is of the opinion that the proposed land use is consistent with the Limited Subzone's identified land use(s). Limited subzone areas tend to be high-hazard areas, and thus a warning system designed to protect the public from potential tsunami are entirely appropriate and justified.

3. *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

On May 17, 2004 the Governor signed Act 076 (House Bill 2439 and Senate Bill 2914, Relating to Civil Defense Sirens). This act *expedites the construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens by exempting these items from the definition of "development" for purposes of coastal zone management.* The result of Act 076 is that civil defense warning devices became exempt from the provisions of Chapter 205A, HRS, *Coastal Zone Management.*

4. *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

The park has been previously landscaped, and there are no known threatened or rare species that use the area. There will be minimal ground disturbance, so impacts to nearshore waters are not anticipated. The pole will not be lit, and so should not impact sea turtles or migrating sea birds.

Natural resources include cultural resources. Cultural practices at the site have been impeded by the presence of a large homeless camp at the site, and the public perception that the area is no longer safe for the average citizen. Staff does not believe that the siren warning system will impede any cultural or recreational activities should conditions change, and the general public again feel safe in the area.

Staff is of the opinion that the project will have little to no impact on the existing natural resources.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff notes there are existing telephone and electric poles running along. The proposed siren pole does not introduce a new use. Staff is of the opinion the proposed structure fits into the locality and surrounding area.

6. *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff notes that the siren pole will have a minimal impact on the availability of open space at the park. It will be painted in non-descript colors to minimize the visual impact.

7. *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The installation of the siren pole will cause some minor inconveniences for users of the nearby pavilion, and the monthly test signal will possibly be a minor annoyance to the neighboring houses. This type of testing is standard practice in both the state and the nation, and no mitigation efforts are needed. OCCL does not foresee any long-term significant impacts on park users or on the neighboring community.

Staff is of the opinion that the proposed project will supply a necessary public service, and will help the State and County Civil Defense protect the safety and welfare of the community.

DISCUSSION

The proposed use is an identified use within the Conservation District according to the Hawai'i Administrative Rules (HAR), § 13-5-22, P-6, PUBLIC PURPOSE USE.

Based on the above analysis, staff concludes that the Kea'au Beach Disaster Warning System is consistent with the rules and objectives of the Conservation District. Staff notes that the Department has received letters of support for the project, but no letters of objection or concern.

RECOMMENDATION

Based on the proceeding analysis, staff recommends that the Board of Land and Natural Resources APPROVE this application to install a State Civil Defense Disaster Warning and Communication Device at Kea'au Beach Park, Wai'anae, O'ahu, TMK (1) 8-3-001:001, subject to the following terms and conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control;"
- 3) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 4) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 5) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 6) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 7) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- 8) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 9) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the marine environment, off-site roadways, utilities, and public facilities;

- 10) The applicant will have an archaeological monitor present during all ground-altering activities, and contact SHPD if any significant deposits or skeletal remains are discovered;
- 11) Other terms and conditions as may be prescribed by the Chairperson; and
- 12) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,



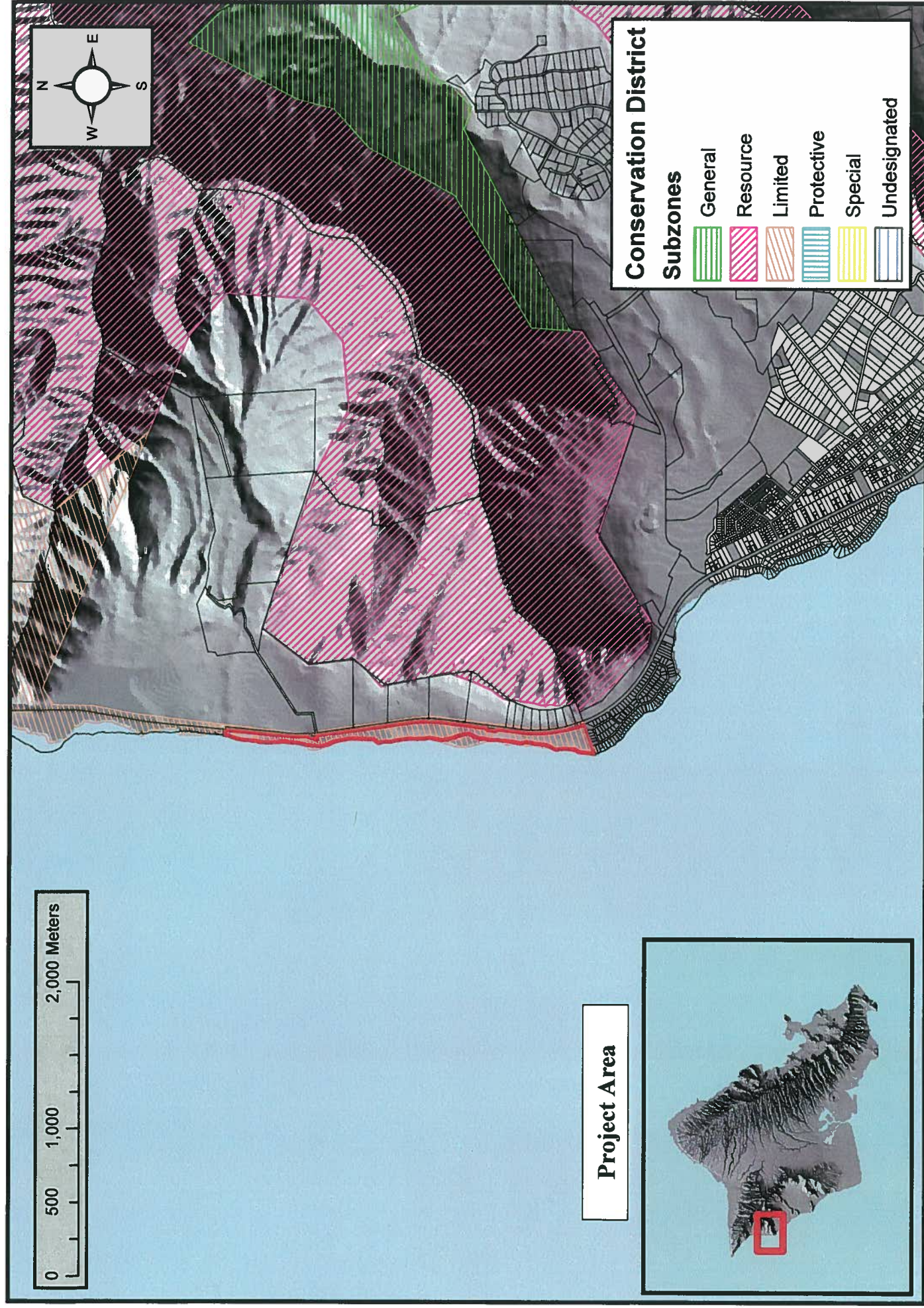
Michael Cain
Staff Planner

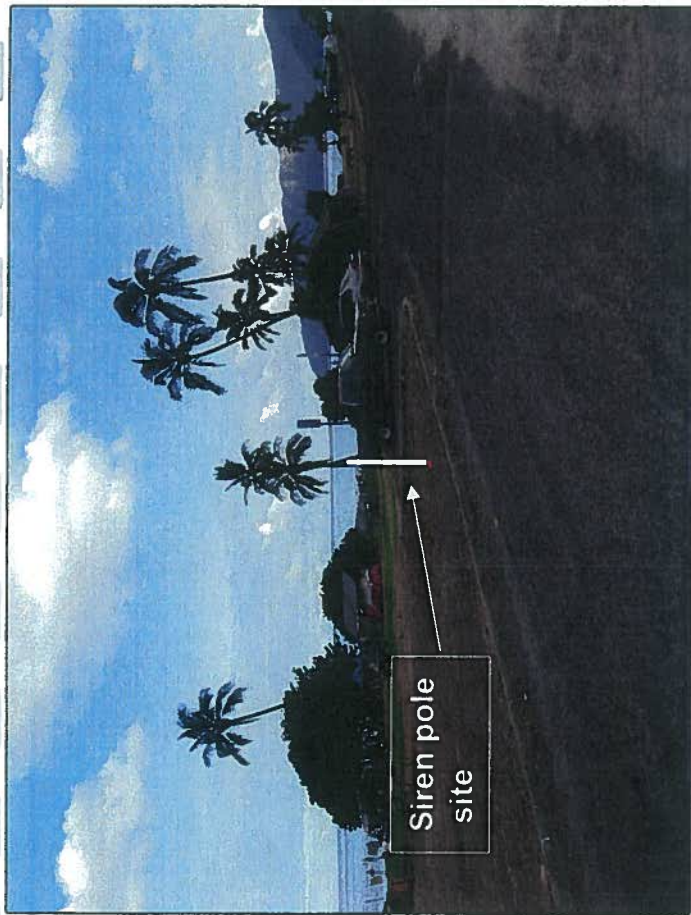
Approved for submittal:

By:

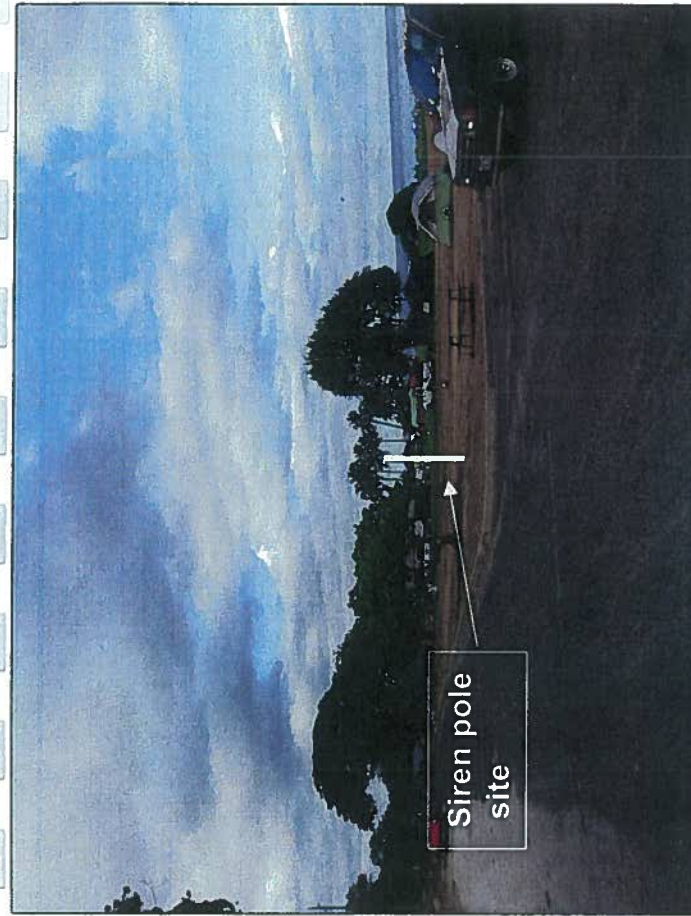


WILLIAM J. AILA, Chairperson
Board of Land and Natural Resources

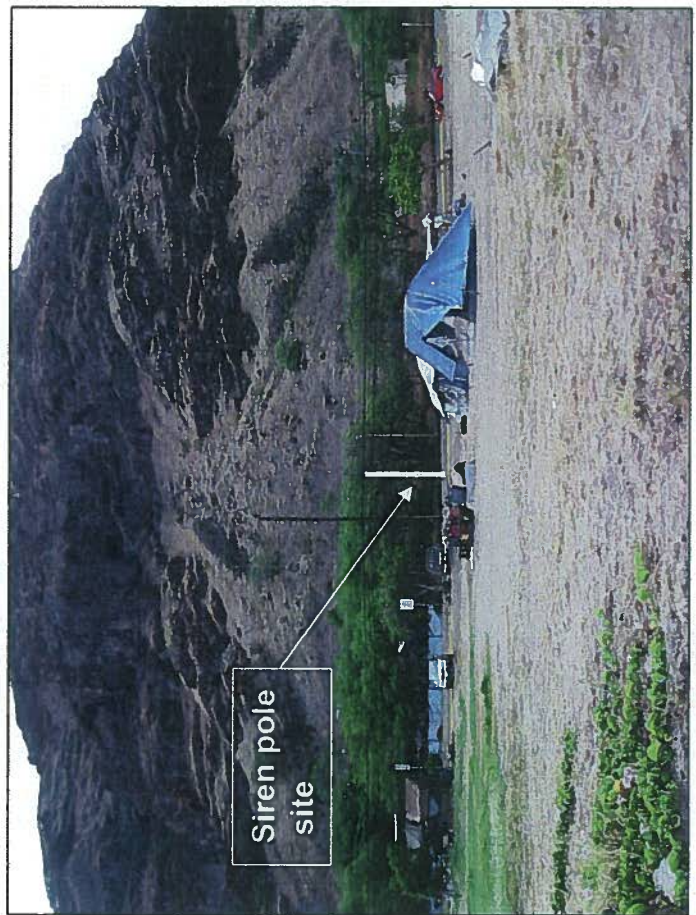




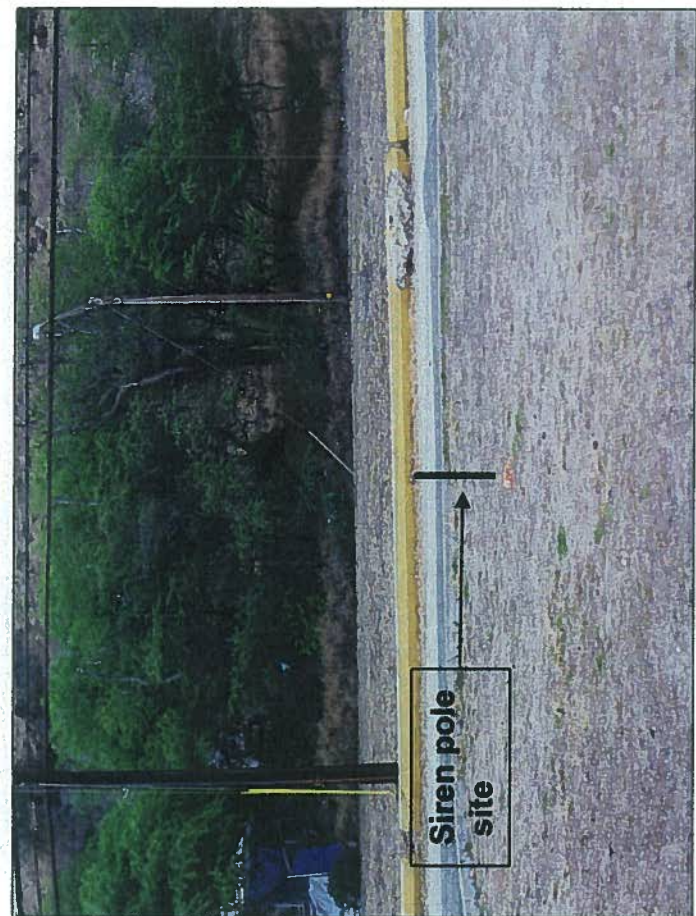
1. Siren pole site looking north.



3. Site pole site looking south.




2. Siren pole site looking east from shoreline.



4. Site pole site looking east.

NOTES:

1. SANDWICH WASTEWATER PIPES FOR COMFORT STATIONS #1 & #2 SHALL BE CLEANED AND FLOWED.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE STATE OF HAWAII DEPARTMENT OF HEALTH ADMINSTRATIVE RULES, TITLE 11, CHAPTER 10, "WASTEWATER SYSTEMS."
3. FOR SEWER TRENCH, SEE DETAIL .
4. INTERIOR OF THE PRECAST CONCRETE TWO COMPARTMENT SEPTIC TANKS SHALL BE COATED WITH BITUMASTIC COATING.
5. THE CONTRACTOR SHALL NOTIFY THE OFFICER-IN-CHARGE AND ENGINEER-IN-CHARGE OF ANY CHANGES MADE TO THE WASTEWATER SYSTEM FOR CERTIFICATION OF WASTEWATER SYSTEM.
6. THE CONTRACTOR SHALL NOTIFY THE OFFICER-IN-CHARGE AND ENGINEER-IN-CHARGE OF ANY CHANGES MADE TO THE WASTEWATER SYSTEM.
7. THE CONTRACTOR SHALL PROVIDE A MANUAL OF THREE (3) COPIES OF THE WASTEWATER TREATMENT UNIT MANUFACTURER'S OPERATIONS AND MAINTENANCE MANUALS TO THE OFFICER-IN-CHARGE.

TRUE NORTH

EXISTING COMFORT STATION #1

NEW INDIVIDUAL WASTEWATER SYSTEM SEE DWG. C-2

EXISTING COMFORT STATION #2

NEW INDIVIDUAL WASTEWATER SYSTEM SEE DWG. C-3

SIREN POLE LOCATION

TEMPORARY BENCHMARK
STA. SS 0 - 111
BRASS DISK
ELEV. = 26.74

BENCHMARK
P-114 (C & C'S BRASS DISK)
4.8' ALONG NORTHWEST ALONG STATE HIGHWAY 90
FROM THE POST OFFICE AT WAHAE.
ELEV. = 22.39 MSL

GRAPHIC SCALE
1" = 40'
SCALE IN FEET

OVERALL SITE PLAN
SCALE: 1" = 40'

SOURCE: CITY AND COUNTY OF HONOLULU
DEPARTMENT OF DESIGN AND CONSTRUCTION

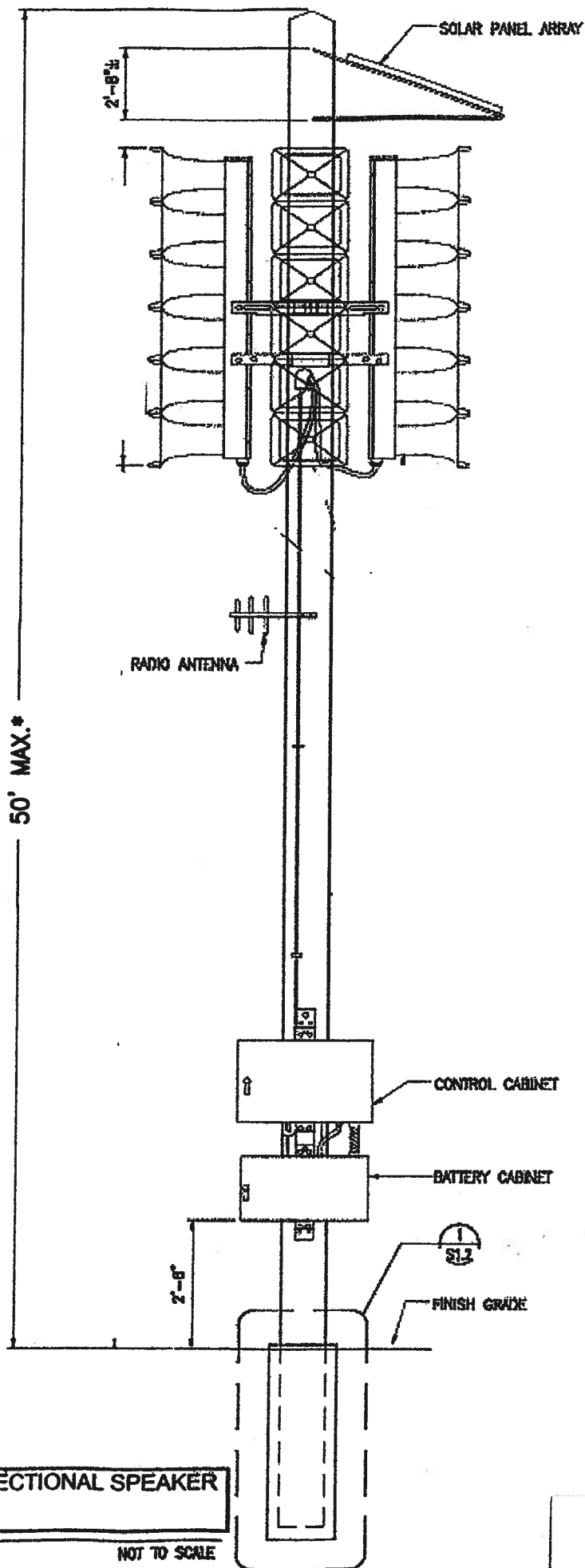
FIGURE 4

DEPARTMENT OF DESIGN AND CONSTRUCTION
OFFICE OF THE COUNTY ENGINEER
INDIVIDUAL WASTEWATER SYSTEMS
AT
KEAU BEACH PARK
OVERALL SITE PLAN

APPROVED
DATE: 9-15-00
BY: [Signature]
PROJECT NO.: [Blank]
SHEET NO.: [Blank]

ENGINEERING SOLUTIONS, INC.
1111 KALANIANA'OLA AVENUE, SUITE 100
HONOLULU, HAWAII 96813
PHONE: (808) 943-1111
FAX: (808) 943-1112
WWW.ESOLUTIONS.HI

SHEET NO. 00-P-61
PROJECT NO. C-1
DATE: 9-15-00
BY: [Signature]



*HEIGHT WILL VARY
WITH SOIL
CONDITION.

TYPICAL DIRECTIONAL SPEAKER
DETAIL

A
SI.1

ELEVATION

NOT TO SCALE

EXHIBIT 4